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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,455	12/30/1999	KAZUHIRO FUJII	SIC-99-047	7874

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/476,455

Applicant(s)

FUJII, KAZUHIRO

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12-19 and 22-49 is/are pending in the application.
- 4a) Of the above claim(s) 49 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16,17,19,26-28,30-43,47 and 48 is/are allowed.
- 6) ☒ Claim(s) 10,12-15,18,22-25,29 and 44-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the fifth Office Action for serial number 09/476,455, Bell Crank Assembly and Mounting Bracket for a Bicycle Hub, filed on December 30, 1999. Claims 10, 12-19 and 22-49 are pending.

Election/Restrictions

Newly submitted claim 49 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 49 recites the mounting bracket in combination with the motor (similar to originally filed claim 20) and thus is restrictable to class 474, subclass 80.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 49 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10, 12-15, 18, 22-25, 29, and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,257,533 to Pei et al. (Pei). Regarding claims 10, 12-15, 18, 22-25, 29, and 44-46, Pei discloses a one-piece mounting bracket (Fig. 2 - see marked-up copy attached to Office action of Paper No. 13) comprising: a mounting

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bracket portion (A) having an upwardly facing surface (top surface of A), an inclined transition portion (B) extending downwardly from the mounting bracket portion (A), a rear mounting portion (C, D, E) defining an opening (42) therein, a mounting member (372 generally) disposed on the transition portion (B) and including first and second opposed mounting ears (36) projecting in and elongated in an up-down/lateral direction (oriented as shown in Fig. 2 wherein the top surface is indicated generally by 38 and 41) therefrom, and a front mounting member (F) one-piece with and extending perpendicular to and downward from the mounting bracket portion (A).

Response to Arguments

Applicant's arguments filed 11/25/02 have been fully considered but they are not persuasive. Regarding applicant's argument that "the structures (38) in Pei, et al are not elongated in the lateral direction", examiner respectfully disagrees. The mounting ears (36) are elongated in the lateral direction (i.e. vertically) when viewed in the orientation shown in Fig. 2 and wherein the top surface is indicated at 38 and 41 generally.

Allowable Subject Matter

Claims 16, 17, 19, 26-28, 30-43, 47, and 48 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 47, although the prior art of record discloses many of the limitations of the claims, it fails to further teach or suggest the rear frame mounting

bracket portion including a surface having an opening therein, wherein the surface faces in a lateral direction. Regarding claim 48, although the bracket of Pei discloses all of the structural limitations of the claim, the bracket is not capable of performing the functions recited therein.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2002/0190173 to Fujii discloses a bell crank assembly.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone


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number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
2/5/03


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER